

Browne & Woods LLP

MEMORANDUM

STATE BAR OF CALIFORNIA INTELLECTUAL PROPERTY SECTION TRADE SECRET COMMITTEE

August 24, 2004 Meeting Minutes

1. **Attendance.** The following Committee members attended the August 24, 2004 telephonic meeting: Ben Scheibe, John Yates, Bart Smith, Laura Wilson, Randy Kay, and David Morales.

2. **Update On Trade Secrets Treatise.** Randy updated committee members on the progress of the Trade Secret treatise edited by Randy Kay and Bec Edelson and written by members of the Committee, and solicited assistance in finalizing the chapters. It is anticipated that the treatise will be published in the first quarter of 2005.

3. **New cases.**
John Yates led a discussion of the recent opinion of the Court of Appeal on remand in *Reeves v. Hanlon*, August 12, 2004 (California Supreme Court S114811).

4. **Speaking Opportunities/Writing Opportunities.**
The Committee members discussed potential writing and speaking opportunities, including at the State Bar's Annual Conference and at The IP Institute. The members also discussed the need for the Committee to keep a flow of articles to *New Matter*. John Yates and Ben Scheibe have articles in progress that should be submitted in time to be published in the next two issues. The upcoming submission deadline is October 25, 2004. Members interested

in writing an article (from 1500 to 6000 words) should e-mail Ben with a proposed topic and target date so that Ben may reserve the topic with *New Matter* and coordinate the flow of articles from the Committee. Members are encouraged to take briefs or research memoranda from their practice and turn these into articles if the topics are of interest to the trade secret or IP community.

5. Plain English Trade Secret Jury Instruction Project. As mentioned in prior minutes, a subcommittee has been established, consisting of Ben Scheibe, Carolyn Sieve, Randy Kay, Marshall Lerner, Bec Edelson, and Robert Freitas. Robert Freitas has volunteered to head the Committee and to act as a clearinghouse to collect instructions from Committee members. Although Robert has received a few instructions, he has asked for additional instructions from Committee members. All committee members are encouraged to provide trade secret instructions they have found useful in the past to Robert Freitas:

RFreitas@Orrick.com

6. New Project(s).

It was mentioned that the "Frequently Asked Questions" page on our Committee's website is somewhat out of date. Committee members are asked to review the page with an eye towards updating the pages and making them more user friendly. Suggestions can be e-mailed to Ben (ben@brownwoods.com) or submitted at the next meeting. One suggestion discussed was to post trade secret related articles from *New Matter* on the website. Ben is checking on this idea with the Executive Committee and the editors of *New Matter*.

If anyone wants to volunteer to head up a website project, please e-mail Ben. Our current pages may be viewed at:

http://www.calbar.ca.gov/state/calbar/calbar_sections_generic.jsp?sImagePath=Intellectual-Property-Section_with-right-menu.gif&sCategoryPath=/Home/Attorney%20Resources/Sections/Intellectual%20Property%20Law/Standing%20Committees/Trade%20Secrets&sAdsPath=sectionsads/IP_Cmte_Secrets_Ho

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Page.html&sCatHtmlPath=html/IP Cmte Secrets Home.html](#)

7. **Next Meeting.** The Trade Secret Committee will have its next telephonic meeting on Tuesday, October 19, 2004 at 3:00 p.m. Ben will circulate call-in information in advance of the meeting.